

H. B. No. 630, A bill to be entitled "An Act creating the county court at law of Hidalgo County, Texas, fixing and defining the jurisdiction and terms thereof, prescribing the qualifications manner of appointment, and election, term of office, compensation and powers of the regular or special judge thereof; providing for the filling of vacancies of the office of judge thereof, and for a clerk and bailiff and seal therefor, defining the powers of such clerk and bailiff, and the effect of such seal, fixing the fees of the clerk thereof, and of officers executing processes issued therefrom, declaring that the jurisdiction of the county court of Hidalgo County, shall not be hereby affected, providing for transfer of cases between the said county court at law and the said county court, declaring the validity and transfer of cases of processes extant at the mite of such transfer, prescribing the practice in said court and declaring an emergency."

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

PRICE, Chairman.

Committee Room,
Austin, Texas, March 8, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 473, A bill to be entitled "An Act making an appropriation of the sum of \$31,409.85, or so much thereof as may be necessary, payable out of the General Revenue not otherwise appropriated, and appropriating all other current revenue, or so much thereof as may be necessary, to be derived from the operation of the Texas State Railroad until August 31, 1927, and to be deposited in the State Treasury; said appropriation being for the traveling, clerical and other expenses of the board of managers, and all other expenses connected with the sale and maintenance, operation or lease of said railroad, and being for the period up to and including August 31, 1927; and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the

recommendation that it do pass, and be not printed.

WOOD, Chairman.

Committee Room,
Austin, Texas, March 8, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Labor, to whom was referred

H. B. No. 314, A bill to be entitled "An Act to amend Section 19 of Article 8306 of the Revised Civil Statutes of Texas of 1925, relating to compensation for employees hired in Texas but injured outside of Texas, so as to provide that said Section shall be amended to read as set forth in this Act be held to be invalid, unconstitutional or inoperative that no other section or part thereof shall be affected thereby, and declaring an emergency."

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be printed in the Journal.

WESTBROOK, Chairman.

(Bill not printed because re-referred later to Committee on Insurance.)

THIRTY-SEVENTH DAY.

Senate Chamber,
Austin, Texas, March 9, 1927.
The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering their names:

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.

Absent.

Hardin.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Powers.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Hall.

S. B. No. 480, A bill to be entitled "An Act to amend Article 2767, Chapter 13, Title 49, of the Revised Civil Statutes of the State of Texas of 1925, so as to provide for abolishments of independent school districts, etc, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Bailey.

S. B. No. 481, A bill to be entitled "An Act amending Section 3, Chapter 16, General Laws passed by the Thirty-ninth Legislature at its First Called Session, by adding thereto Section 3a, providing that any road district a portion of which is proposed to be incorporated into a new road district, should embrace the whole or any part of any levee improvement district, drainage district created under any law passed pursuant to Section 52, Article 3 of the Constitution of this State, the territory covered by such district and other territory adjacent thereto may be excluded from the district sought to be created, but except as herein specifically permitted, no fractional part of a previously created road district shall be included within the limits of the road district created under the provision of this Act, and such excluded territory shall continue to bear and pay its proper proportion of any existing debt created for the construction of macadamized, gravelled or paved roads and turnpikes or in aid thereof, but shall not pay any portion of any debt created for said purpose after such territory is excluded from the district; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

Simple Resolution No. 81.

Senator Witt sent up the following resolution:

Whereas, the Governor is in the Senate Chamber; Therefore Be It Resolved that he be invited to address the Senate on the good of the State.

The resolution was read and adopted.

Messages from the House.

The Chair recognized the door-keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, March 9, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 232, A bill to be entitled "An Act authorizing private corporations to be formed for any one or more of the following purposes. To accumulate and deal in notes, bonds and securities without banking privileges; to act as trustees under any lawful express trust committed to it by contract. And as agent for the performance of any lawful act; to issue debentures, to subscribe for purchase, invest in, hold, own, assign, pledge and otherwise deal in and dispose of shares of capital stock, bonds, mortgages, debentures, notes and other securities and obligations, contracts and evidences of indebtedness of foreign or domestic corporations not competing with each other in the same line of business, provided that the power and authority herein conferred shall in no way affect any of the provisions of the anti-trust laws of this State, and declaring an emergency."

H. B. No. 162, A bill to be entitled "An Act to amend Chapter 176 of the General Laws of the Thirty-eighth Legislature, so as to increase the salary of the judge of the county court of Dallas County at Law No. 1, and the salary of the court of Dallas County at Law No. 2, from thirty-six hundred dollars (\$3600) per annum to forty-eight hundred dollars (\$4800) per annum; prescribing the method of payment, and declaring an emergency."

H. B. No. 426, A bill to be entitled "An Act to provide for and regulate the method of taking or catching fish in the public fresh waters of Marion and Harrison counties, State of Texas; providing penalties for violation, and declaring an emergency."

H. B. No. 619, A bill to be entitled "An Act amending Chapter 95 of the Special Laws of the Thirty-sixth Legislature by providing that the compensation of commissioners for inspecting public roads and bridges shall be \$5.00 per day instead of \$4.00 per day; that said compensation shall be paid out of the general fund of the county and that no commissioner shall receive pay for such inspection more than seven days in any one month."

H. B. No. 636, A bill to be entitled "An Act to create Road District No. 7 in Shelby County, Texas; validating and approving all orders made by the commissioners' court of said county in respect to the organization of said district; validating the authorization, issuance and sale of certain bonds thereof dated February 9, 1920, and numbered forty-six to one hundred, inclusive, totaling twenty-seven thousand five hundred (\$27,500) dollars, of five hundred (\$500) dollars each, providing for their payment by the annual levy and assessment of general ad valorem taxes on all taxable property in said road district; approving and validating all orders of the commissioners' court of said county in respect of said designated road district bonds and taxes or certified copies thereof and constituting such orders legal evidence; evidencing proof of publication of constitutional notice required in such acts, and declaring an emergency."

Respectfully submitted,
M. LOUISE SNOW,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 9, 1927.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House grants the request of the Senate for a Free Conference on S. B. No. 7 and the following committee is appointed on the part of the House.

Rawlins, Jacks, McCombs, Sinks, Minor.

Respectfully submitted,
M. LOUISE SNOW,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 9, 1927.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House grants the request of the Senate for a Free Conference on S. B. No. 25 and the following committee is appointed on the part of the House.

Cummings, Teer, Storey, Farrar, Petsch.

Respectfully submitted,
M. LOUISE SNOW,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 9, 1927.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 270, A bill to be entitled "An Act to amend Chapter 17, Title; Cities, Towns and Villages—Articles 1213 of the Revised Civil Statutes of Texas of 1925, so that assessments for street widening and street opening may be made payable in not exceeding sixteen annual payments, and declaring an emergency."

The House adopts Conference Committee Report on S. J. R. No. 24 by vote of 108 yeas, 7 nays.

Respectfully submitted,
M. LOUISE SNOW,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 9, 1927.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 497, A bill to be entitled "An Act directing the State Board of Education to make an apportionment of funds according to scholastic census of certain school districts, providing the method of taking the census, making an appropriation therefor, and declaring an emergency."

H. B. No. 400, A bill to be entitled "An Act to amend Articles 4102, 4111 and 4123 of the Revised Statutes of Texas, so as to provide for

the appointment of a guardian for a person where it is necessary that a guardian be appointed to receive funds or money due such person from the Federal government; providing for fixing the venue where such appointment may be made; providing the court must be satisfied that the applicant is a person for whom it is necessary to have a guardian appointed to receive funds or money due such person from the Federal government, and declaring an emergency."

Respectfully submitted,
M. LOUISE SNOW,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 9, 1927.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 326, A bill to be entitled "An Act for the better enforcement of laws relating to registration of motor vehicles and mortorcycles, for the control of vehicles operated on State highways and the protection of the public safety; for the better supervision of a State patrol system, such patrolmen to wear a badge and uniform, and describing such badge and uniform; providing that no arrest shall be made by such patrolman or other officers by lying in wait for the purpose of trapping drivers of vehicles on the highways suspected of violation of speed restrictions; providing venue of all prosecutions of violations hereunder providing that no fees shall be paid any officer making an arrest in violation of the provisions of the law, and declaring an emergency."

Respectfully submitted,
M. LOUISE SNOW,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 9, 1927.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House adopted the following resolution.

H. C. R. No. 29, relating to sine die adjournment.

Respectfully submitted,
M. LOUISE SNOW,
Chief Clerk, House of Representatives.

Report of Special Committee.

Senator Stuart sent up the following special report of Committee to investigate the status of all proposed constitutional amendments.

Committee Room,
Austin, Texas, March 9, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee composed of Love, Moore and Stuart, having been especially appointed to make a report upon all constitutional amendments before the Senate, beg leave to report that a meeting of the Committee on Constitutional Amendment was held at seven o'clock, March 8, and that all resolutions before said Committee were acted upon and were either reported favorably or adversely. We recommend that these resolutions be not printed and that they be placed upon the Senate Calendar of March 9 and be acted upon and given preference over all matters before the Senate other than resolutions of the same character that are now upon the calendar.

Respectfully submitted,
STUART
LOVE
MOORE

The report was read and adopted.

Address by Governor Moody.

Senator Witt escorted Governor Dan Moody to the rostrum, who addressed the Senate.

Senate Bill No. 466.

On the motion of Senator Greer, S. B. No. 466 was ordered printed in the Journal.

(See Appendix.)

House Bills Read and Referred.

H. B. No. 162, read and referred to Committee on State Affairs.

H. B. No. 426, read and referred to Committee on State Affairs.

H. B. No. 619, read and referred to Committee on Highways and Motor Vehicles.

H. B. No. 636, read and referred to Committee on Highways and Motor Vehicles.

House Joint Resolution No. 14.

The Chair laid before the Senate, on second reading, the following resolution:

H. J. R. No. 14, A Joint Resolution "Proposing to amend Article 7 of the Constitution of the State of Texas by adding thereto Section 16, providing that the term of all officers of the public free school system, including State institutions of higher education, may be fixed not to exceed ten years; proposing to amend Section 8 of Article 7 of said Constitution, authorizing the appointment or election of a State Board of Education to consist of ten members to serve ten years; requiring said amendments to be submitted to the people for adoption and making appropriations therefor."

The committee report carrying amendments was adopted.

The bill passed to third reading.

House Joint Resolution No. 5.

The Chair laid before the Senate, on second reading, the following resolution:

H. J. R. No. 5, A Joint Resolution "Proposing an amendment to the Constitution so as to make taxable for county and school purposes the University of Texas lands in the county where located, allotted by the Constitution of 1876, and by an Act of the Eighteenth Legislature approved April 10, 1883, providing the maximum rate of said taxes; providing a board to set the valuation of said lands for taxation purposes."

Senator Pollard moved to indefinitely postpone the further consideration of this resolution.

The motion prevailed by the following vote:

Yeas—17.

Bledsoe.	Price.
Bowers.	Russek.
Floyd.	Smith.
Hall.	Stuart.
Holbrook.	Triplett.
Miller.	Wirtz.
Moore.	Witt.
Parr.	Wood.
Pollard.	

Nays—8.

Berkeley.	Real.
Fairchild.	Reid.
Greer.	Ward.
Neal.	Woodward.

Absent.

Bailey.	Love.
Hardin.	McFarlane.
Lewis.	Westbrook.

House Joint Resolution No. 25.

The Chair laid before the Senate, on second reading, the following resolution:

H. J. R. No. 25, A joint resolution "Proposing an amendment to the Constitution of the State of Texas, providing for the separation of the subjects of taxation for the support of the State government and for the support of the counties, district and political subdivisions of the State and counties; authorizing laws so that counties, districts and political subdivisions of the State and counties may be supported in whole or in part by an ad valorem tax, and the State government in whole or in part by other sources of revenue; providing the powers given by the Legislature may be exercised to substitute another system of taxation, or may be exercised as cumulative of powers already existing relative to taxation; permitting the substitution of some other tax where an ad valorem tax is levied for a specific purpose; providing taxes shall be equal and uniform on the same class of property, privileges and occupations; limiting the rates or the ad valorem tax provided for herein; prohibiting a tax on certain property already specifically exempted; providing for the submission of this amendment to the people for ratification, and making an appropriation to pay therefor."

Senator Stuart moved to adopt the majority report.

Senator Love moved to make the resolution special order for 2:00 o'clock p. m. The motion prevailed.

House Joint Resolution No. 21.

The Chair laid before the Senate, on second reading, the following resolution:

H. J. R. No. 20, Proposing an amendment to Section 2, Article 8, of the Constitution of the State, so as to authorize the Legislature to exempt from taxation any property owned by a church, or by a strictly religious society devoted exclusively to use as a dwelling place for the ministry of such church or religious society, providing for an election upon such proposed constitutional amendment, and making an appropriation therefor.

The Senate rule requiring com-

mittee reports to lie over one day was suspended by unanimous consent.

The committee report carrying amendments was adopted.

Senator Love sent up the following amendment:

Amend H. J. R. No. 20 by adding in line 30, page 1, "and any homestead not exceeding \$6,000.00 in value owned by any duly ordained minister over sixty years of age."

The amendment was read.

Senator Moore moved to table the amendment. The motion to table was lost by the following vote:

Yeas—9.

Berkeley.	Lewis.
Bledsoe.	Moore.
Fairchild.	Parr.
Greer.	Stuart.
Holbrook.	

Nays—15.

Bowers.	Real.
Floyd.	Reid.
Hall.	Russek.
Love.	Smith.
Miller.	Triplett.
Neal.	Ward.
Pollard.	Wirtz.
Price.	

Absent.

Bailey.	Witt.
Hardin.	Wood.
McFarlane.	Woodward.
Westbrook.	

The amendment was lost.

The resolution as amended was passed to third reading.

House Joint Resolution No. 15.

The Chair laid before the Senate, on second reading, the following resolution:

H. J. R. No. 15, Proposing an amendment to Section 51, Article 3, of the Constitution, authorizing a tax levy for Confederate Soldiers, Sailors and their widows.

The Senate rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report was adopted.

The resolution was passed to third reading.

Senate Joint Resolution No. 28.

The Chair laid before the Senate, on third reading the following resolution:

S. J. R. No. 28, A joint resolution "Proposing an amendment to the State Constitution authorizing Tom Green, Schleicher, Sutton, Edwards and Val Verde Counties, or districts in said counties, pursuant to a majority vote of the property taxpaying voters in said counties, or districts, to issue bonds and invest the proceeds thereof in aid of railroad construction."

The resolution failed to pass finally by the following vote:

Yeas—14.

Berkeley.	Parr.
Greer.	Real.
Lewis.	Reid.
Love.	Stuart.
McFarlane.	Ward.
Moore.	Witt.
Neal.	Woodward.

Nays—11.

Bledsoe.	Russek.
Hall.	Triplett.
Holbrook.	Westbrook.
Miller.	Wirtz.
Pollard.	Wood.
Price.	

Present—Not Voting.

Floyd.	Smith.
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Absent.

Bailey.	Fairchild.
Bowers.	Hardin.

Recess.

On motion of Senator Holbrook, the Senate, at 12 o'clock, recessed until 2 o'clock p. m.

After Recess.

The Senate was called to order at 2:00 o'clock p. m., pursuant to recess by Lieutenant Governor Miller.

H. J. R. No. 25.

The Chair laid before the Senate, as special order H. J. R. No. 25.

Senator Wood sent up the following amendment:

Amendment No. 1 to H. J. R. No. 25.

Amend H. J. R. No. 25 by striking out Section 1-a and inserting in lieu thereof the following:

"Section 1-a. The Legislature may separate the objects of taxation for State purposes from the objects of taxation for the support of the counties, districts and political subdivisions of the State and counties;

and may provide for the levy of an ad valorem tax, or other form of tax, on certain classes of taxable property, or other objects, for State purposes only (including school purposes), or upon certain classes of property, or other objects, for county or local purposes only (including school purposes). In no event shall the rate of such taxes exceed the sum of the limits of such taxes fixed by this Constitution for State, county and other local purposes. The Legislature may provide for the classification of objects of taxation. Taxation shall be equal and uniform upon objects of the same class, but different rates may be imposed upon different classes."

The amendment was read and adopted.

Senator Wood sent up the following amendment:

Amendment No. 2 to H. J. R. No. 25.

Amend Section 2 of H. J. R. No. 25 by striking out the words "on the ninth day of July, A. D. 1927," and inserting in lieu thereof "the first Monday in August, A. D. 1927."

The amendment was read and adopted.

Senator Wood sent up the following amendment:

Amendment No. 3 to H. J. R. No. 25.

Amend the caption of H. J. R. No. 25 by striking out line 17, page 1, of the printed resolution, and all that follows thereafter, down to and including line 3, on page 2, thereof, and substituting in lieu thereof, the following language, to-wit:

"Proposing an amendment to the Constitution of the State of Texas amending Article VIII by the insertion of Section 1-a therein, authorizing the Legislature to provide for the separation of the objects of taxation for State purposes and for the support of the counties, districts and political subdivisions of the State and counties, and authorizing the Legislature to provide for the levy of an ad valorem tax or other form of tax for State purposes only, and for local purposes, only; authorizing the Legislature to provide for the classification of objects of taxation and providing that rates shall be equal on the same class of property, and fixing limitations upon taxation."

The amendment was read and adopted.

Senator Moore sent up the following amendment:

Amend H. J. R. No. 25 as amended by substituting a semi-colon for the period after the word "classes" in the last line of same, and add the following:

"Provided a tax shall never be levied against the salary or income of any natural person in this State."

The amendment was read.

Senator Wood moved to table the amendment. The motion to table prevailed by the following vote:

Yeas—22.

Bailey.	Miller.
Berkeley.	Neal.
Bledsoe.	Pollard.
Bowers.	Price.
Fairchild.	Smith.
Floyd.	Ward.
Greer.	Westbrook.
Hall.	Wirtz.
Holbrook.	Witt.
Love.	Wood.
McFarlane.	Woodward.

Nays—6.

Moore.	Russek.
Parr.	Stuart.
Reid.	Triplett.

Absent.

Hardin.	Real.
Lewis.	

Senator Price sent up the following amendment:

Amend H. J. R. No. 25, as amended by striking from Section 1a that portion of the last sentence in said section reading as follows: "upon objects of the same class, but different rates may be imposed upon different classes."

The amendment was read and adopted.

The resolution was passed to a third reading by the following vote:

Yeas—25.

Bailey.	Love.
Berkeley.	McFarlane.
Bledsoe.	Miller.
Bowers.	Neal.
Fairchild.	Pollard.
Floyd.	Price.
Greer.	Reid.
Hall.	Russek.
Holbrook.	Smith.

Triplett.	Witt.
Ward.	Wood.
Westbrook.	Woodward.
Wirtz.	

Nays—3.

Moore.	Stuart.
Parr.	

Absent.

Hardin.	Real.
Lewis.	

House Bill No. 59.

On motion of Senator Fairchild, the regular order of business was suspended, and the Senate took up, out of its order, the following bill: Committee Substitute:

H. B. No. 59, A bill to be entitled "An Act relating to the State Penitentiaries, repealing Articles 6166 to 6202, both inclusive, Title 108, Revised Civil Statutes of 1925; creating the Texas Prison Board and providing for the management, operation, conduct and maintenance of the State prison system; providing for a manager and auditor for said prison system; authorizing the sale and purchase of land necessary for said prison system, and the employment of the prisoners confined in the State penitentiary; providing for the purchase of personal property necessary for the operation of the prison system, and authorizing the sale of personal property belonging to the prison system; providing for the leasing of lands by the Texas Prison Board for agricultural, grazing and mineral purposes; and providing for the handling of the funds of the prison system; and providing other matters and things necessary and incidental to the main purpose and subject of this Act, and declaring an emergency."

The bill was read second time.

Senator Wood sent up the following amendment:

Amend Senate Committee Substitute to H. B. No. 59 by adding at the end of Section 22 as a part of said Section 22 the following:

"All power, authority, duties and functions of the Board of Prison Commissioners of this State under other laws of this State not repealed by this Act and not in conflict herewith, shall hereafter vest in and be performed by the Texas

Prison Board created by this Act." The amendment was read and adopted.

Senator Pollard sent up the following amendment:

Amend Senate Committee Substitute for H. B. No. 59, by adding at the end of Section 15 the following: "Provided, however, that the Board of Prison Commissioners shall never pay a price for anything in excess of the cash retail market price therefor, when purchased in small quantities and the cash wholesale market price when purchased in large quantities; nor pay more than five per cent per annum on any indebtedness made or created."

The amendment was read and lost.

The bill was passed to third reading.

On motion of Senator Fairchild, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 59 was put on its third reading and final passage, by the following vote:

Yeas—24.

Bailey.	Pollard.
Berkeley.	Real.
Bledsoe.	Reid.
Bowers.	Russek.
Fairchild.	Smith.
Hall.	Triplett.
Love.	Ward.
McFarlane.	Westbrook.
Miller.	Wirtz.
Moore.	Witt.
Neal.	Wood.
Parr.	Woodward.

Nays—1.

Greer.

Absent.

Floyd.	Lewis.
Hardin.	Price.
Holbrook.	Stuart.

Senator Ward sent up the following amendment:

Amend Senate Committee Substitute for H. B. No. 59, Section 19 by inserting after the word "Governor," the following: "and the Legislature."

The amendment was read and lost.

The bill as amended was passed finally, by the following vote:

Yeas—25.

Berkeley.	Bowers.
Bledsoe.	Fairchild.

Floyd.	Reid.
Greer.	Russek.
Hall.	Smith.
Love.	Triplett.
McFarlane.	Ward.
Miller.	Westbrook.
Moore.	Wirtz.
Neal.	Witt.
Parr.	Wood.
Pollard.	Woodward.
Real.	

Absent.

Bailey.	Lewis.
Hardin.	Price.
Holbrook.	Stuart.

House Bill No. 50.

The Chair laid before the Senate, on third reading, the following bill: H. B. No. 50, A bill to be entitled "An Act to regulate motor propelled passenger vehicles not usually operated on or over rails and engaged regularly in the business of transporting passengers for compensation or hire over the public highways of the State; defining motor-bus companies and declaring them to be common carriers; exempting motor-bus companies operating wholly within an incorporated town or city and suburbs thereof; defining the term "corporation," "person," "public highway," "Highway Commission" and "commission," etc."

Senator Real sent up the following amendment:

Amend the caption of H. B. No. 50 as follows:

Strike from the caption in lines 8 to 11, inclusive, on page 1, the following: "providing for the issuance of certificates of convenience and necessity to motor-bus companies and prescribing the conditions upon which such certificate may be issued;" and strike from the caption in lines 23 to 26, inclusive, on page 1, the following: "providing for the issuance of temporary certificates of convenience and necessity to motor-bus companies operating since and prior to October 1, 1926, and making such temporary certificates permanent without notice and hearing except where protest is filed;"

Insert in the caption after the word "Commission;" in line 8 on page 1, the following: "providing for the issuance of certificates of convenience and necessity and of temporary certificates, to motor-bus com-

panies, and prescribing the terms and conditions under which such certificates shall be granted and issued, the factors which shall govern the "Commission" in granting same, the period of time for which the same shall be granted and the conditions under which they shall be held;"

The amendment was read and adopted by unanimous vote.

The bill as amended was passed finally.

Messages From the Governor.

The Chair recognized the Door-keeper, who introduced a messenger from the Governor with the following messages:

Executive Department,

Austin, Texas, March 9, 1927.

To the Honorable Fortieth Legislature of Texas.

Gentlemen: The original system of taxation employed in this State for the raising of revenue has been found insufficient to supply the needed revenue, and from time to time has been patched by the passage of additional tax measures. The demand for additional taxation has attended the growth of the population of the State and the assuming of new activities of government. As these conditions have been presented the Legislature has been forced to look about for additional sources of supply for needed revenue. The existing system of taxation is more or less a matter of patch work on the original system designed to supply the needed revenues for the support of the government, and has been built up with more regard for practical expediency to meet various emergencies than for a system which would provide for a scientific and just distribution of the burdens of government. In addition, our taxes are collected and paid into the Treasury at great expense, which falls upon the tax-paying public and amounts to a net loss to the State. Our taxes should be so levied that the burden will fall equally and uniformly upon the citizenship of the State. At any rate such is the ultimate end of a taxing system in a republic.

You have made provision for an investigation of taxable resources in this State by a committee of citizens and experts. The committee will doubtless make a thorough survey, and will make a report embracing

the nature of its survey and its recommendations for improvements. The possibility of improvement and the success of the whole venture very largely depends upon whether or not the present limitations upon the power of the Legislature will permit the enactment of remedial laws for the improvement and modernization of the system.

A resolution was introduced in the House and is now before the Senate that is designed to make possible improvements in the system. It is not intended to increase taxes, but on the contrary to equalize taxes according to better standards of ability to support the government. It is not intended to work a hardship on any citizen, person or class of citizens or persons, but to work a benefit and an improvement for the whole body of our society. It does not tend toward extravagance, but rather toward economy. Its provisions do not place mandates upon the Legislature, but by the removal of limitations it gives the Legislative power to make improvements through the enactment of remedial legislation, if the Legislature in its wisdom and discretion shall see proper to take advantage of such powers.

Some suggestion has been made that it contemplates the levy of a State income tax. The suggestion is within the purview or contemplation in error, and an income tax is not of the resolution. It makes no mention or suggestion of such tax. For approximately a half a century our constitution has permitted the levy of an income tax, but the Legislature has never seen fit to impose such a tax; and the pending resolution does not in any particular change the existing law or condition of things on that matter. Neither is it designed to change such law or condition.

There are certain amendments that can be wisely made to the pending resolution, and these have been agreed upon between the author of the resolution, members of the Legislature interested in the resolution and the writer; and will be offered. These are designed to simplify its language. So far as I know all who have examined these amendments agree that they should be adopted. They continue the existing constitutional safeguards against higher tax-

ation by preserving the existing limits of taxation.

The purpose of the resolution is wholesome. Under its provisions it will be possible for the Legislature to equalize the burdens of government. A just government is a fair government, and to fairness and justness in government it is essential and necessary that the burdens of government fall evenly upon the citizenship.

I most respectfully urge the merit of the proposition and submit these views in the hope that you may be encouraged to submit the question to the people, and give them an opportunity to place in the hands of their representatives the power to improve their condition.

Respectfully submitted,
DAN MOODY,
Governor.

Executive Department,
Austin, Texas, March 9, 1927.
To the Honorable Senate of the State of Texas.

Gentlemen: With your advice and consent, I desire to appoint the following named persons as notaries public of the respective counties listed below. These are presented for appointment under the authority of Senate Bill No. 29 of the Fortieth Legislature:

Regan County.

Vera Sanderson, Big Lake, Texas.

Harris County.

Joe MacMurry, Houston, Texas;
Roy Fullerton, Houston, Texas.

Potter County.

Irma B. Brown, Marland Oil Company, Amarillo, Texas.

Coleman County.

Marion Flynt, c-o M. K. Witt Motor Co., Coleman, Texas.

Tom Green County.

Mrs. R. O. Smith, Naylor Hotel, San Angelo, Texas.

Cass County.

R. C. Connor, Avinger, Texas; J. T. Stovall, Hughes Springs, Texas.

Stephens County.

T. B. Ridgell, Breckenridge, Texas.

Taylor County.

W. H. Dunson, Abilene, Texas.

Runnells County.

W. G. Bedford, Winters, Texas; Elba DeBusk, Ballinger, Texas; W. R. Hunton, Miles, Texas; H. E. Petty, Maverick, Texas; Miss Lenore Smith, Ballinger, Texas.

Gregg County.

C. F. Miles, Longview, Texas.

Respectfully submitted,
DAN MOODY,
Governor.

House Bill No. 323.

The Chair laid before the Senate, on final passage, the following bill:

H. B. No. 323, A bill to be entitled "An Act providing for the acceptance, ratification and adoption of the National Defense Act enacted and amended by the Congress of the United States relating to the National Guard; recognizing the right of the President of the United States to call or draft the Texas National Guard and Texas National Guard Reserve into the military service of the United States; the resumption of the Texas National Guard and the Texas National Guard Reserve of their membership in the Texas National Guard and in the Texas National Guard Reserve on termination of such service, and declaring an emergency."

The bill was passed finally.

House Bill No. 569.

On motion of Senator Wood, the regular order of business was suspended, and the Senate took up, out of its order, the following bill:

H. B. No. 569, A bill to be entitled "An Act relating to the State Prison System; providing appropriations to pay the outstanding debts of the prison system which are now due or which may mature prior to the first day of September, A. D. 1927; making appropriations for support and maintenance of the prison system until the first day of September, A. D. 1927; providing how moneys shall be paid and become available; enacting provisions relative to moneys now on hand by the prison system; providing that hereafter all moneys received by the prison system shall be placed in the State Treasury to the credit of the general revenue

fund, and no money shall be paid out except upon sworn accounts and on warrants drawn by the Comptroller as provided for by General Laws of this State in reference to other departments of the State government, and pursuant to appropriations made by the Legislature; providing all things necessary to carry out the main purpose of this Act, and declaring an emergency."

The bill was read second time.

The Senate rule requiring committee report to lie over one day was suspended by unanimous consent.

The committee report was adopted.

Senator Pollard sent up the following amendment:

Amend H. B. No. 569 by adding a new section as follows:

"Provided that no claim shall be paid out of this appropriation for any account where the creditor charged the State of Texas a price in excess of the cash retail market price of goods sold; regardless of whether the account has been closed by said creditor by a note or mortgage."

Senator Hall moved to table the amendment. The motion prevailed.

Senator Wood sent up the following amendment:

Amend H. B. No. 569 by inserting a new section to be numbered Section 4a, which shall read as follows:

Sec. 4a. No part of any appropriation made by this Act shall be used in, applied to, or available for the payment of or in any way upon those three certain alleged notes, or any part of same, in the sum of thirty-one thousand two hundred and fifty (\$31,250.00) dollars each, dated December 11, 1920, and payable to the Fort Bend Cotton Oil Company, or order, alleged to have been executed by the Board of Prison Commissioners in an alleged purchase by the Board of Prison Commissioners from the Fort Bend Cotton Oil Company of the Fort Bend Cotton Oil Company's cotton seed oil mill properties at Richmond, Fort Bend County, Texas; nor in the payment of any court costs approved or accruing in the case of Houston National Exchange Bank vs J. A. Herring, et al, No. 97512, brought by the Houston National Exchange Bank in the district court of the Eightieth Judicial District, Harris County, Texas, to enforce the payment of said notes; nor the payment

of any judgment or costs in any other suit involving said notes.

The amendment was read and adopted.

Senator Wood sent up the following amendment:

Amend H. B. No. 569 by inserting in the caption just before the words "and declaring an emergency" the following: "providing that no part of any appropriation made by this Act shall be used for certain purposes named in the Act;"

The amendment was read and adopted.

Senator Pollard sent up the following amendment:

Amend H. B. No. 569 by adding after Section 1 the following:

"No debt or claim existing at the time this Act takes effect shall be paid out of this appropriation unless and until same is approved by the Attorney General as a legal, valid, subsisting satisfied claim and same is approved by the Governor."

The amendment was read.

Senator Wood moved to table the amendment.

The motion to table was lost by the following vote:

Yeas—12.

Berkeley.	Parr.
Bledsoe.	Reid.
Bowers.	Ward.
Lewis.	Witt.
Love.	Wood.
Moore.	Woodward.

Nays—14.

Bailey.	Neal.
Fairchild.	Pollard.
Floyd.	Price.
Greer.	Russek.
Holbrook.	Smith.
McFarlane.	Triplett.
Miller.	Wirtz.

Present—Not Voting.

Hall.

Absent.

Hardin.	Stuart.
Real.	Westbrook.

The amendment was lost by the following vote:

Yeas—8.

Fairchild.	Miller.
Greer.	Pollard.

Price.
Real.

Russek.
Wirtz.

Nays—20.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Reid.
Bowers.	Smith.
Floyd.	Stuart.
Hall.	Triplett.
Lewis.	Westbrook.
Love.	Witt.
McFarlane.	Wood.
Moore.	Woodward.

Absent.

Hardin.	Ward.
Holbrook.	

The bill was passed to third reading.

On motion of Senator Wood, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 569 was put on its third reading and final passage, by the following vote:

Yeas—30.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.

Absent.

Hardin.

The bill was read third time and passed finally, by the following vote:

Yeas—30.

Bailey.	McFarlane.
Berkeley.	Miller.
Bledsoe.	Moore.
Bowers.	Neal.
Fairchild.	Parr.
Floyd.	Pollard.
Greer.	Price.
Hall.	Real.
Holbrook.	Reid.
Lewis.	Russek.
Love.	Smith.

Stuart.	Wirtz.
Triplett.	Witt.
Ward.	Wood.
Westbrook.	Woodward.

Absent.

Hardin.

House Bill No. 551.

On motion of Senataor Greer, the regular order of business was suspended, and the Senate took up, out of its order, the following bill:

H. B. No. 551, A bill to be entitled "An Act to create the office of State Service Officer, to be attached to the Comptroller's Department of the State of Texas; providing for his appointment; prescribing his qualifications and duties; fixing his salary; making appropriation for such, together with traveling and incidental expenses for the fiscal year ending August 31, 1927; providing all matters and things incidental to the main purpose of this Act, and declaring an emergency."

The bill was read second time.

The Senate rule requiring committee reports to lie over one day was suspended by unanimous consent.

The bill was passed to third reading.

On motion of Senator Greer, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 551 was put on its third reading and final passage, by the following vote:

Yeas—30.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.

Absent.

Hardin.

The bill was read third time and passed finally, by the following vote:

Yeas—30.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.

Absent.

Hardin.

House Bills Read and Referred.

House Bill No. 326 read and referred to Committee on Highways and Motor Traffic.

House Bill No. 400 read and referred to Committee on Civil Jurisprudence.

House Bill No. 497 read and referred to Committee on Educational Affairs.

H. C. R. No. 29 read and laid on the table subject to call.

House Bill No. 8.

On motion of Senator Witt, the regular order of business was suspended, and the Senate took up, out of its order, the following bill:

H. B. No. 8, A bill to be entitled "An Act to amend Articles 2757 and 2758, Revised Civil Statutes of Texas of 1925, relating to the formation of independent school districts and the election of a board of trustees thereof, and declaring an emergency."

The bill was read second time.

The committee report carrying amendments was adopted.

The bill as amended was laid on the table subject to call on motion of Senator Holbrook.

Bills Signed.

The Chair gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. J. R. No. 24.

S. B. No. 270.

Senate Joint Resolution No. 28.

Senator Wirtz moved to reconsider the vote by which the Senate refused to pass finally S. J. R. No. 28 and spread that motion on the Journal.

Motion to Adjourn.

Senator Holbrook's motion that the Senate adjourn until 10:00 o'clock tomorrow morning was lost.

House Bill No. 398.

On motion of Senator McFarlane, the regular order of business was suspended, and the Senate took up, out of its order, the following bill:

H. B. No. 398, providing for a memorial to the ex-service men of the University of Texas.

Adjournment.

On motion of Senator Holbrook, the Senate, at 5:35 p. m., stood adjourned until 10:00 o'clock a. m., Thursday.

APPENDIX.**Petitions and Memorials.**

Senator R. S. Bowers,
Austin, Texas.

Dear Sir and Friend:

I am enclosing a copy which I taken from the annual report that I received from the Board of Prison Commissioners, showing the losses and gains of each State Farm.

I am very glad to say, you will note I have cleared more money to the acre than any other farm in the system; Capt. J. L. Gentry cleared something like \$2.91 per acre; Captain J. S. Murphy, \$8.08; Captain R. E. Smith, \$3.51; Myself, at Retrieve State Farm, \$8.85.

Don't know if this showing will be of any service to me or not, but I sure hope, it will, would appreciate if you would feel around for me and let me here from you just what you think.

Your friend,

S. H. McLEOD,
Snipe, Texas.

State Farms That Lost Money, 1926.

N. E. Hawkins, Manager,
Blakely Farm, 2413
acres in cultivation,
lost \$28,249.20

D. H. Henderson, Blue
Ridge Farm, 3716 acres
in cultivation, lost 90,408.57
F. A. Harris, Eastham
State Farm, 4294 acres
in cultivation, lost 68,599.40
H. J. Jackson, Ferguson
State Farm, 1883 acres
in cultivation, lost 18,095.12
R. E. McAdams, Harlem
State Farm, 5293 acres
in cultivation, lost 61,385.75
J. D. Sallas, Senior State
Farm, 969 acres in
cultivation, lost 29,867.34
R. H. Hall, Shaw State
Farm, 2356 acres in
cultivation, lost 35,775.97
R. J. Flanagan, Imperial
State Farm, 5100 acres
in cultivation, lost 27,298.34

State Farms That Made Money, 1926.

J. L. Gentry, Manager,
Clemens State Farm,
5260 acres, gained \$15,310.34
J. S. Murphy, Manager,
Darrington State Farm,
3400 acres, gained 27,507.78
R. E. Smith, Manager,
Ramsey State Farm,
8000 acres, gained 28,095.61
S. H. McLeod, Manager,
Retrieve State Farm,
3000 acres, gained 26,541.65

This is a correct copy taken from the Annual Report of the Board of Commissioners, which was mailed out to all Farm managers.

Fiscal year ending, December 31, 1926.

(Telegram.)

Stephenville, Texas.

March 8, 1927.

Barry Miller, Lieutenant Governor,
Austin, Texas.

We, as employees of John Tarleton Agricultural College, do hereby link ourselves as a band of brothers who have been employed by this institution from some six to ten years, and our affiliation and business transactions with our Dean, J. Thos. Davis, has not only led us to believe, but to know that he will not do anything that would bring reproach upon himself or upon his household. We furthermore say that there has never been an institution that has better prospect for growth under a management than ours has under

our Dean, J. Thos. Davis, and we stand by him in all of his persecution, and defend his good name and now let love find its way in the path of thine enemies, we beg of your high esteem, that this be read before the House.

J. A. Bland, Chief Engineer; A. J. Doyle, Carpenter; John Collier, Electrical Machinist; W. H. Anderson, Assistant Engineer; R. A. Clark, Head Janitor; T. W. Richardson, Campus Foreman; Monroe Wells, Farm Foreman; C. Hudspeth, Farm Hand; Geo. L. Morton, Dairy Herdsman; W. Owens, Manager Hogs; J. L. Lee, with Chicken Department; A. T. Allison, with Chicken Department; O. T. Bacon, Janitor; J. A. Middleton, Teamster.

(Telegram.)

Gainesville, Texas,
March 8, 1927.

Senator Love,

In the interest of justice and of educational interest in Texas, I most earnestly request that some Senate Committee investigate charges against Dean J. Thos. Davis before final action.

LEE CLARK,

Ex-President, State Teachers Association.

Identical telegram from some part to Senator Ward, read to the Senate.

Report of Committee on Purchase of Property Adjoining the Alamo.

Senator Real sent up the following special committee report:

Austin, Texas, March 8, 1927.

To the Senate and House of the Fortieth Legislature:

Your "Alamo Commission", appointed by His Excellency, Governor Dan Moody, under authority and request of Senate Concurrent Resolution No. 6,

"to investigate the advisability of the State acquiring all remaining property, now privately owned, in the Block bounded by Alamo Plaza, Nacogdoches, East Houston and Crockett Streets in the City of San Antonio, surrounding the historic Alamo, the approximate cost thereof, and the means to be used; said Commission to report back to the present session of the Legislature, with such other recommendations as they may deem proper in the premises",

after diligent, painstaking and thorough investigation, is able to report as follows:

Numerous conferences with the owners, and those in control, of all the remaining privately owned property in Block No. 115, City of San Antonio, have developed that all of the said property can be acquired by the State, and, further, that should all of said property, privately owned, be purchased for the purposes of a State park, the City of San Antonio will convey to the State, all the property owned by the City of San Antonio on the said Block No. 115, without cost.

Immediately adjoining the open court of the Alamo Mission on the east, extending from East Houston Street along the entire line of the State owned Alamo Mission grounds to the northeast corner of Alamo Chapel, is what is known as the Clifton George property. It has a frontage of approximately 295 feet on East Houston Street, and 201 feet on Nacogdoches Street. The price asked for the Clifton George property is \$412,000.

Adjoining the Clifton George property to the south, and extending from Nacogdoches Street to the rear walls of Alamo Chapel, with a frontage of 95 feet on Nacogdoches Street and a roadway along the south wall of Alamo Chapel that commands a 20½ foot frontage on Alamo Plaza, are the grounds of the Catholic Women's Association, with improvements. This property can be acquired by the State for \$150,000.

Directly south of Alamo Chapel and separated from it by the 20½ feet roadway of the Catholic Woman's Association, is the property of Mrs. Johanna Steves, with a frontage of approximately 49 feet on Alamo Plaza. The City of San Antonio, so your Commission was informed, recently offered \$75,000 for this property. The City of San Antonio is willing to withdraw its offer, and the property can be acquired by the State for \$75,000.

Adjoining the Steves property, with a frontage of 86½ feet on Alamo Plaza and 106 feet on Crockett Street, is the O. M. Farnsworth property, which is held at \$150,000.

The City of San Antonio owns the lots to the east of O. M. Farnsworth, with a frontage of 77 feet on Crockett

ett Street. This property, with its improvements, which include a recently completed fire house, will be conveyed to the State without cost, should the State acquire all the remaining privately owned property in Block No. 115 and convert the same into a State park.

East of the fire house, with a frontage of 147 feet on Crockett Street, is a triangular plot, with minor improvements, owned by the estate of Rhinehold Probant. This property can be acquired by the State for \$42,500.

The above described properties include all these, now privately owned, remaining on the Alamo Block. The total cost to the State, according to your Commission's findings, would be \$829,500.

In explanation, and for your information, your Commission begs leave to state that:

(1) In our inquiries and investigations we had the advise and assistance of officials of San Antonio and a number of disinterested experts, with regard to the present market value of the properties involved.

(2) The City of San Antonio, through its Mayor, Honorable John W. Tobin, pledged itself to co-operate fully with representatives of the State in any efforts that may be made to establish and maintain a State park surrounding the Alamo. Should all the remaining privately owned property in Block 115 be acquired for State park purposes, the City of San Antonio will not only convey to the State its proportionately considerable holdings, but will remove the new and expensive fire house facing Crockett Street.

(3) We were informed that negotiations are now under way for the purchase of the Clifton George property at a figure appreciably in excess of that which those in control are willing to recommend that it be sold to the State.

(4) The Farnsworth property at the corner of Alamo Plaza and Crockett Street, is not on the market at any price. Its owner stated that he would under no circumstances dispose of it to any individual, firm or corporation. He would, through patriotic motives alone, sell it to the State, for Alamo park purposes, at the price mentioned.

(5) The property of the Catholic Women's Association is not on the market. It can be acquired only by the State.

Your Commission, after conscientious and careful consideration of all the circumstances involved, without hesitation and with enthusiasm, recommends the acquisition by the State, of all the property on the Alamo Block, not now owned by the State, and its conversion, as soon as may be practicable, into an Alamo park.

Such action would absolutely and forever protect Texas' most sacred Shrine from the encroachments and overshadowing influences of unfeeling commercialism. A park of the proportions the possession of all the Alamo Block affords, would provide for the revered Tomb of the Texas Immortals, a setting worthy of its simple grandeur and commensurate with its glory as the Altar of Texas liberty.

Texas, in its present and future greatness, should not fail to adequately acknowledge its indebtedness and gratitude to those whose supreme sacrifice made that greatness possible. The fullest generosity in the matter of completely protecting the most striking monument in all the world to martyred patriots, would, in the opinion of your Commission, stand forever to the honor and credit of the present representatives of the people of Texas.

If, however, in the judgment of the Fortieth Legislature, it is not expedient or wise to appropriate the amount your Commission has indicated as the cost of all the remaining privately owned property on the Alamo Block, your Commission is in position to submit another suggestion.

The largest, most costly, and perhaps the least essential of the units under consideration is the Clifton George property. This property faces the State owned Alamo Mission grounds, and its southwest corner within a few feet of the rear of Alamo Chapel, but it could be eliminated from consideration and there would still be the possibility of providing the protection of the Alamo, so devoutly desired, and the establishment of a splendid and valuable State park.

The cost of the remaining privately owned property on the Alamo Block would be \$417,000. But it is the proposition of the City of San Antonio, through its Mayor, Honorable John W. Tobin, that, if this Legislature will appropriate the sum of \$250,000, the City of San Antonio will assume the difference (\$165,000), and give title to the State to all city owned property on the Alamo Block except the fire house, which would remain standing.

Your Commission offers this alternative for what it may be worth, and is of the opinion that its acceptance would result in a vast improvement over conditions as they now exist.

Respectfully submitted,
THE ALAMO COMMISSION,
Clara Driscoll Sevier, Chairman,
T. S. Henderson,
Sam P. Cochran.

The report was read and referred to Committee on Finance.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, March 9, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills have had S. B. No. 232 carefully examined and compared, and find the same correctly enrolled and have this day at 11:15 o'clock a. m. presented the same to the Governor for his approval.

FLOYD, Chairman.

Committee Room,
Austin, Texas, March 8, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills have had S. C. R. No. 29 carefully examined and compared, and find the same correctly enrolled and have this day at 5:30 o'clock p. m., presented the same to the Governor for his approval.

FLOYD, Chairman.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, March 8, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No.

28 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 8, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 253 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 9, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 447 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 9, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 464 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 9, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 473 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, March 9, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 522, A bill to be entitled "An Act repealing the Special Act of the Thirty-eighth Legislature of the State of Texas, known as Chapter 7, House Bill No. 105, creating and incorporating Webster Independent School District in Harris County,

Texas, out of the territory composing Common School Districts Nos. 19 and 13 of said county; providing that the title of the school property vested in said common school districts Nos. 19 and 13 shall vest in said Webster Independent School District, and that said Independent School District assume the debts of said Common School Districts Nos. 19 and 13; providing for the board of trustees of said Webster Independent School District; providing for the time and manner of their election; defining their power and duties; and declaring an emergency."

Have had the same under consideration and I am instructed to report same back to the Senate with recommendation that it do pass and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, March 9, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 480, A bill to be entitled "An Act to amend Article 2767, Chapter 13, Title 49, of the Revised Civil Statutes of the State of Texas of 1925, so as to provide for abolishment of independent school districts; and by adding after said article a new article to be known as Article 2767a, providing for settlement of any indebtedness of such abolished independent school district, and by adding a new article to be known as Article 2767b, providing for suit by any creditor against such abolished independent school district in the same manner as if such district had not been abolished, etc."

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, March 9, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee in Insurance, to whom was referred

S. B. No. 342, A bill to be entitled "An Act to authorize and regulate the exchange of certain classes of contracts of indemnity or insurance

between individuals, partnerships and corporations specifying the duties of the Commissioner of Insurance in connection therewith, and penalties for violations of the provisions; amending Chapter 20, Title 78, of the Revised Statutes of Texas, and all of the Articles of said Chapter, and declaring an emergency."

Have had same under consideration and I am instructed to report same back to you with recommendation that it do not pass, but that committee substitute do pass and be printed in the Journal and not otherwise.

MOORE, Chairman.

Committee Room,

Austin, Texas, March 9, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 343, A bill to be entitled "An Act to regulate the business of insurance on what is known as the Lloyd's Plan, amending all of Chapter 19, Title 78, Revised Civil Statutes of Texas, and declaring an emergency."

Have had same under consideration, and I am instructed to report same back with recommendation that it do pass and that it be printed in the Journal and not otherwise.

MOORE, Chairman.

Committee Room,

Austin, Texas, March 9, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 370, A bill to be entitled "An Act to prescribe who may be licensed as agent of any insurance company or association engaged in the business in Texas of insurance of any kind other than life; authorizing the Commissioners of Insurance to issue licenses to persons entitled thereto, with power to cancel licenses unlawfully obtained or for violation of the insurance laws of the State or for failure to properly account for monies; forbidding agents licensed to grant or permit a greater amount of insurance than the value of the property; forbidding discrimination and forbidding rebating; authorizing the Commissioner to make or have made examina-

tions, and to call for facts under oath, giving to the aggrieved resort to the courts; repealing laws in conflict and declaring an emergency."

Have had same under consideration, and I am instructed to report same back with recommendation that it do pass with committee amendments, and that it be printed in the Journal and not otherwise.

MOORE, Chairman.

Committee Amendment No. 1.

Amend House Bill No. 370, Section 8, by adding after the word "insurance" in line 2 of said section, the words "against fire."

Committee Amendment No. 2.

Amend House Bill No. 370, Section 9 by adding after the word "discrimination" the following: "as the same is defined by Article 4894 Revised Statute, 1925" and by adding after the word "rebating" the following: "as the same is defined by Article 4894, Revised Civil Statute, 1925."

Committee Amendment No. 3.

Amend House Bill No. 370, Section 1, in line 2 of the engrossed bill, by striking out the word "reciprocal".

A BILL

To Be Entitled

An Act to prescribe who may be licensed as agent of any insurance company or association engaged in the business in Texas of Insurance of any kind other than life; authorizing the Commissioner of Insurance to issue licenses to persons entitled thereto, with power to cancel licenses unlawfully obtained, or for violation of the insurance laws of the State; or for failure to properly account for monies; for bidding agents licensed to grant or permit a greater amount of insurance than the value of the property; forbidding discrimination and forbidding rebating; authorizing the Commissioner to make or have made examinations, and to call for facts under oath, giving to the aggrieved a resort to the courts; repealing laws in conflict and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. It shall not be lawful for any person to act for any company, association, reciprocal, mutual or Lloyds, doing any kind of insurance business other than life within this State, as agent or otherwise, in soliciting or receiving applications for insurance of any kind whatever, or in any manner to aid in the transaction of the business of any insurance company, or association, except in the matter of adjustment of losses, or the inspection of risks for a licensed company, whether the company be incorporated in this State or out of it, without first procuring a license or certificate of authority from the Commissioner of Insurance.

Sec. 2. The provisions of this Act shall not apply to the business of life or life and health or health insurance or to agents of such insurance companies insofar as the business done be life insurance or life and health or health insurance.

Sec. 3. The Commissioner of Insurance of the State of Texas shall be and he is authorized and empowered and directed to issue licenses to any persons lawfully entitled thereto to act as agent in engaging in such business of insurance lawfully authorized to be conducted in this State.

Sec. 4. No person shall be licensed by the Commissioner of Insurance to conduct as agent such line of insurance business in this State, except (a) a person of good character and reputation, and (b) no person shall be licensed unless such person shall give evidence satisfactory to the Commissioner that such person intends to engage bona fide in the line of insurance business for which license is applied, and (c) no license shall be issued to any corporation to act as agent for any such insurance carrier.

Sec. 5. Whenever a license shall be obtained by any person or persons not legally entitled thereto, or whenever any license shall be issued and the person or persons obtaining the same do not comply with the requirements of the law applying to said business of insurance, the Commissioner is authorized and empowered to cancel such license after

reasonable notice to the licensee and an opportunity to be heard.

Sec. 6. No license shall be issued to any person or persons as such agent except upon the application of some association, company, corporation, or insurance carrier, legally authorized to do such insurance business in Texas, presented to the Commissioner upon forms approved by him and upon a proper showing to the satisfaction of the Commissioner that the person on whose behalf license is requested is entitled to a license under the laws of this State.

Sec. 7. If any agent shall be a party to any violation of any law of this State affecting the insurance business in which he is engaged, or the violation of any rule or regulation of the State Insurance Commission if lawfully made, or a failure of any agent to account to the principal properly for premiums, or other monies, coming to his hands, shall be ground for revocation of the license of such agent.

Sec. 8. Any agent who may be licensed by the Commissioner and who shall knowingly grant or permit a greater amount of insurance to any person owning property in this State than the value of the property insured, such act shall be ground for a revocation of the license of such agent.

Sec. 9. Any person licensed as agent who shall be guilty of discrimination between assureds in the conduct of his business of insurance, or who shall be guilty through any means of rebating in the business conducted by him, shall be subject to revocation of his license therefor, in the discretion of the Commissioner of Insurance.

Sec. 10. The Commissioner of Insurance is given power and authority to require from insurance companies, or other insurance carriers, or agents seeking appointment, and or agents who may be appointed, answer under the oath to any question propounded to such agent, or carrier, by the Commissioner, or under his authority, touching any phase of the insurance business in the State of Texas in which such agent may be engaged, and to require such agent to submit his books, records and accounts, insofar as they affect or bear upon any

phase of the insurance business conducted by such agent, to examination and inspection by the Commissioner, or any person acting under his authority, and to require such agent to answer under oath questions propounded by the Commissioner, or under his authority touching the conduct of any insurance business concerning which such agent has information.

Sec. 11. Any person or company feeling aggrieved at any act or ruling of the Commissioner of Insurance may apply to a court of competent jurisdiction to obtain redress of any injury unlawfully done.

Sec. 12. All laws, or parts of laws, in conflict herewith shall be, and the same are hereby repealed, but all laws civil and criminal affecting insurance agents and or companies, or the business, which are not in conflict herewith, shall not be affected by the provisions of this Act, and this Act shall be deemed and considered as cumulative of such other laws.

Sec. 13. The fact that some insurance carriers authorized to do business in this State are having appointed as agents, irresponsible persons, and the further fact that such persons so appointed, and others are disregarding the insurance laws of this State, and entailing upon the citizens of this State, through such disregard, a large amount of property loss and loss of life, creates an emergency and a public necessity, requiring that the constitutional rule providing that bills be read on three separate days in each House be suspended, and the same is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 9, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 479, A bill to be entitled "An Act amending the local road law of Dallas County so as to better provide for construction, reconstruction and repair of dirt roads connecting with the pikes or hard surfaced roads in said county, and so as to make more ample provision for the removing and preventing of

impediments on the public highways of Dallas County such as junk, or debris, tin cans, glass or other similar impediments; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass with the committee amendments attached hereto and be not printed.

FLOYD, Chairman.

Committee Amendment to S. B. No. 479.

Amend Senate Bill No. 479 by striking out all after the enacting clause and inserting in lieu thereof the following:

"Section 1. There are hereby enacted Sections 16a and 16b of the Local Road Law for Dallas County, the same being an Act approved July 22, 1919, which Sections 16a and 16b shall read as follows:

Section 16a. Hereafter three-fourths of all moneys, other than moneys raised by the issuance of bonds, that go into the road and bridge fund of Dallas County shall be used for the construction, reconstruction or repair of existing dirt roads leading into and connecting with cardinal, intermediate and other hard surface roads until all the lateral roads of the county shall have been put into a reasonably safe condition for travel in all kinds of weather. In determining which of such roads shall first so be constructed, reconstructed or repaired, other things being equal, those lying nearest to the county line shall have priority.

Sec. 16b. It shall be the duty of the commissioners' court of Dallas county, immediately after the passage of this Act, to have removed from all public highways of the county all junk or debris, including tin cans, glassware, old iron or other unsightly or refuse articles. It shall be unlawful for any person to place or leave upon any public highway in Dallas County, or upon any part thereof any junk or debris, tin cans, old iron, glass or other similar thing, or any unsightly or refuse article, and any person violating this provision shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not

less than ten dollars nor more than one hundred dollars.'

Sec. 2. The fact that lateral roads in Dallas County are greatly in need of attention in order that there may be reasonable access to the main hard surfaced highways, and the further fact that at the present time a great deal of rubbish, tin cans and other material are scattered over the highways so as to be a nuisance to travel in said county, and this Act undertakes to relieve the present situation, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage and it is so enacted."

Committee Room,

Austin, Texas, March 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 161, A bill to be entitled "An Act amending Article 879 of Chapter 6 of Title 13 of the Revised Criminal Statutes of Texas of 1925, which Article provides for the regulation of the seasons in which wild game may be hunted and killed, and the seasons in which it is lawful to hunt and kill such wild game, including doves, quail, pheasant, turkey, rail, plover, ducks, prairie chickens, deer, bear and fox; and which amendment provides for seasons in which it shall be lawful to hunt and kill the wild game named and in which the season for hunting and killing such wild game shall be closed; and renumbering Article 879 into nine separate Articles as follows: 879, 879a, 879b, 879c, 879d, 879e, 879f, 879g, 879h; providing for no open season on prairie chicken in the Counties of Collinsworth, Donley, Wheeler, and Gray, and changing time of open season on squirrels in Newton, Shelby, San Augustine and Sabine Counties; and providing for the addition at the end of said Article to the proviso that there shall be no closed season for the hunting and killing of squirrels, and that it shall be lawful to hunt and kill the wild red

or fox squirrels and the wild gray squirrels, the counties of Gonzales, Austin, Harris, Coryell, Comanche, Hamilton, Erath, Hood, Coleman, Real, Kendal, Victoria, Medina, Uvalde, Zavala, Dimmitt, Jackson, Wharton, Edwards, Crockett, Bandera, Lavaca, Colorado, Fayette, Sutton, Bowie, Burleson, Baylor, Callahan, Cook, Collin, Calhoun, Cass, Cherokee, El Paso, Eastland, Falls, Foard, Goliad, Grayson, Hall, Haskell, Hardeman, Hays, Hopkins, Henderson, Jack, Johnson, Knox, King, Karnes, Lampasas, Limestone, Lee, Milam, Morris, Navarro, Parker, Red River, Titus, Throckmorton, Wilson, Washington and Young."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be not printed.

WIRTZ, Chairman.

Committee Amendment No. 1.

Amend H. B. No. 161, by striking from the body of the bill and the caption, the names of the following counties, wherever they appear:

Comanche, Hamilton, Erath, Hood, Coleman, Real, Kendal, Victoria, Medina, Uvalde, Zavalla, Dimmitt, Jackson, Wharton, Edwards, Crockett Bandera, Sutton, Bowie, Burleson, Baylor, Callahan, Cooke, Collin, Calhoun, Cass, Cherokee, El Paso, Eastland, Falls, Foard, Goliad, Grayson, Hale, Haskell, Hardeman, Hays, Hopkins, Henderson, Jack, Johnson, Knox, King, Karnes, Lampasas, Limestone, Lee, Milam, Morris, Navarro, Parker, Red River, Titus Throckmorton, Wilson, Washington and Young.

MOORE, Chairman.

Austin, Texas, March 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. C. R. No. 13.

Have had the same under consideration and I am instructed to report it back to the Senate with recommendation that it do pass with committee amendment.

WIRTZ, Chairman.

Committee Amendment to S. C. R. No. 13.

Amend S. C. R. No. 13 by striking therefrom all the parks therein

named, save and except the following:

Mary Campbell State Park, Campbellton, Texas, 30 acres; Barreda State Park, near Brownsville, Texas, 75 acres; Beeville State Park, Beeville, Texas, 128 acres; Johnson State Park, San Angelo, Texas, 50 acres; Foster State Park, Sterling City, Texas, 53½ acres; Big Springs State Park, Big Springs, Texas, 200 acres; Wayside State Park, Wayside, Texas, 120 acres; Ferguson Brothers State Park, Crowell, Texas, 35 acres; Frio State Park, Dilley and Pearsall, Texas, 50 acres; Howard Gardner State Park, Palestine, Texas, 25 acres; Crosby State Park, Crosbyton, Texas, 30 acres; Mackin State Park, Laredo, Texas, 118 acres; Mayhew State Park, Alto Frio, Texas, 25½ acres; Thomas State Park, Van Horn, Texas, 80 acres; Tips State Park, Three Rivers Texas, 30 acres; Schreiner State Park, Kerrville, Texas, 44 acres; Robinson State Park, Llano, Texas, 69 acres; Buescher State Park, Smithville, Texas, 100 acres; Jefferson Davis State Park, Hillsboro, Texas, 35 acres; Young State Park, Canadian, Texas, 10 acres; John Henry Kirby State Park, Fort Worth Texas, 100 acres; Abram and Lucy Womack State Park, Lovelady, Texas, 30 acres; Davis Mountains State Park, 300 acres; Marshall State Park, Marshall, Texas, 120 acres.

MOORE, Chairman.

Austin, Texas, March 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 480, A bill to be entitled "An Act to amend Article 952, Revised Criminal Statutes 1925; so as to provide better protection for fish and marine life in the counties of Comal, Guadalupe, Bexar, Kerr, Bandera, and by adding Medina County to the above mentioned counties; repealing Article 953, Revised Criminal Statutes, 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with the following committee amendment, and that it be not printed:

Committee Amendment.

Amend H. B. No. 480 by striking out Section 2, and renumbering Section 3 to read Section 2.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, March 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 215, A bill to be entitled "An Act to amend Article 6143, Title 106, providing that the State Board of Control and State Parks Board shall give due consideration to the pecan tree when beautifying State parks or other public property belonging to the State; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, March 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 528, A bill to be entitled "An Act authorizing the commissioners' court of Jefferson County, Texas, to purchase automobiles for the use of the commissioners when acting as road supervisors under appropriate regulations of said court, and providing for the reports thereon to the auditor and limiting the amount to be expended therefor, and providing for the marking of said cars and a penalty for failure to mark; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, March 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 593, A bill to be entitled "An Act to levy and collect annually a three dollar road tax against all able bodied male citizens of Wilson County, who are between the ages of twenty-one and forty-five years;

providing the manner of assessment and collection of said tax and further providing for a penalty for failure or refusal to pay such tax; repealing all laws in conflict therewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that it be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, March 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 317, A bill to be entitled "An Act to amend Section 5 and Section 6 of Chapter 37 of the General Laws enacted at the Regular Session of the Thirty-ninth Legislature, pages 166 to 169 of the General Laws of the Regular Session of the Thirty-ninth Legislature of the State of Texas."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and the same be not printed.

WIRTZ, Chairman.

(Majority Report.)

Committee Room,

Austin, Texas, March 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Committee on State Affairs, to whom was referred

Simple Resolution No. 77,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

WIRTZ, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, March 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on State Affairs, to whom was referred Simple Resolution No. 77,

Beg leave to differ with the majority of your Committee, and report the same back to the Senate with the recommendation that it do pass.

Respectfully submitted,

FLOYD,
HALBROOK.

Majority Report.)

Committee Room,
Austin, Texas, March 8, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Committee on State Affairs, to whom was referred Simple Resolution No. 78, Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

WIRTZ, Chairman.

Minority Report.)

Committee Room,
Austin, Texas, March 8, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on State Affairs, to whom was referred

Simple Resolution No. 78

Beg leave to differ with the majority of your committee, and report the same back to the Senate with the recommendation that it do pass.

HOLBROOK,
TRIPLETT,
MILLER.

Committee Room,
Austin, Texas, March 8, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 439, A bill to be entitled "An Act amending Articles 1111 to 1118 inclusive, Section 2, Chapter 10, Title 28 R. C. S. 1925; and extending the provisions thereof to permit all cities and towns operating under the said title to mortgage and encumber sewerage systems, sewerage disposal plants and other accessories and lands and rights-of-way in connection therewith, and the income therefrom, to secure bonds or notes issued for the purchase, construction, enlargement, improvement or repair of such systems, subject to existing provision of law as now provided in the said Articles respecting light systems or water systems; and providing that such bonds or notes shall have the characteristics of negotiable instruments under the law merchant; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate

with the recommendation that it do pass, and that the same be printed in the Journal and not otherwise.

WIRTZ, Chairman.

A BILL

To Be Entitled

An Act amending Articles 1111 to 1118 inclusive, Section 2, Chapter 10, Title 28, R. C. S. 1925; and extending the provisions thereof to permit all cities and towns operating under the said title to mortgage and encumber sewerage systems, sewerage disposal plants and other accessories and lands and rights-of-way in connection therewith, and the income therefrom, to secure bonds or notes issued for the purchase, construction, enlargement, improvement, or repair of such systems, subject to existing provisions of law as now provided in the said Articles respecting light systems or water systems; and providing that such bonds or notes shall have the characteristics of negotiable instruments under the law merchant.

Be it enacted by the Legislature of the State of Texas:

Section 1. The provisions of Articles 1111 to 1118 inclusive, Section 2, Chapter 10, Title 28 of the Revised Civil Statutes of the State of Texas (1925) applying to municipally owned light systems, or water systems, either or both, are hereby amended to, and shall hereafter apply also in all respects to sewerage systems, with sewerage disposal plants and other accessories and lands or rights of way therefor; and such application as respects sewerage systems may be either singly, or jointly with either lighting systems or water systems, or both.

Sec. 2. Bonds or notes issued under authority of Articles 1111 to 1118 inclusive R. C. S. 1925, and as hereby amended, and secured by mortgage and encumbrance on lighting systems, and upon their revenues either singly or in combination, shall have the characteristics of negotiable instruments under the law merchant.

Sec. 3. The fact that there is now no adequate provision for the creation of sinking funds to take care of bonds issued for the construction of sewerage systems in towns and villages, creates an emergency

and imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and is so enacted.

Committee Room,
Austin, Texas, March 9, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 64, A bill to be entitled "An Act amending Article 534 of the Penal Code of the State of Texas making it a penal offense for any person to cause, encourage or contribute to the delinquency of any minor under the age of seventeen years."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, March 9, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 63, A bill to be entitled "An Act amending Article 1087 of the Code of Criminal Procedure of the State of Texas relating to the arrest and custody of a delinquent child or children so as to provide for the detention of such a child or children in counties having a population of fifty thousand or more."

Have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, March 9, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 81, A bill to be entitled "An Act to amend Article 577 of the Code of Criminal Procedure."

Have had same under consideration and I am instructed to report it

back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, March 9, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 585, A bill to be entitled "An Act to amend Article 1422 of the Penal Code of the State of Texas for 1925, so as to provide that the punishment for theft of property of the value of five dollars or under shall be by fine not exceeding two hundred dollars."

Have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, March 9, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 466, A bill to be entitled "An Act to amend Article 1350, of Title 17, Chapter 3 of the Revised Criminal Statutes of the State of Texas of 1925, providing penalties for persons wilfully and maliciously destroying personal property."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, March 9, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 588, A bill to be entitled "An Act making it illegal to take or trap fur-bearing animals in Cass County and providing a penalty."

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, March 8, 1927.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 474, A bill to be entitled "An Act to withdraw from sale the oil and gas in University land until such time as the Legislature may enact laws deemed adequate to protect the interest of the University in its available and permanent funds, on the condition only that the University mineral lease or a sales Act of March 10, 1925, Chapter 71 shall be held invalid or ineffective by the Supreme Court of Texas in suits now pending or that may hereafter be filed; and in that event prohibiting the Commissioner of the General Land Office from issuing any oil and gas permit upon application heretofore or hereafter filed; and declaring an emergency."

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that it be printed in the Journal and not otherwise.

WIRTZ, Chairman.

By Witt, and others. S. B. No. 474.

WHEREAS, there are now pending in the Supreme Court of Texas two petitions for mandamus against J. T. Robison, Commissioner of the General Land Office in which Geo. W. Theisen and S. Rosa Frank as relators are seeking to compel the said Commissioner to issue to each an oil and gas permit for the development of those substances under their applications heretofore filed on University land at ten cents per acre and one-eighth royalty under the Act of March 16, 1917 for the alleged reason the Act of March 10th, 1925 providing for the sale of oil and gas leases on University land is unconstitutional, and

WHEREAS, the Regents of the University have joined in the attack upon the 1925 Act and if the effort to destroy said Act should be successful and resort have to be had to the Act of 1917 for the development of oil and gas on University land the estimated loss to the University fund amounts to a few million dollars, now, therefore

A BILL
To Be Entitled

An Act to withdraw from sale the oil and gas in University land until such time as the Legislature may enact laws deemed adequate to protect the interest of the University in its available and permanent funds, on the condition only that the University mineral lease or sales Act of March 10, 1925, Chapter 71, Acts of Regular Session of the Thirty-ninth Legislature shall be held invalid or ineffective by the Supreme Court of Texas in suits now pending or that may hereafter be filed; and in that event prohibiting the Commissioner of the General Land Office from issuing any oil and gas permit upon any application heretofore or hereafter filed, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. If, in cases now pending in the Supreme Court or in cases hereafter filed, the said Court should decide that the mineral lease or sales Act of March 10, 1925, Chapter 71, Acts Regular Session Thirty-ninth Legislature, is invalid or ineffective, then and in that event the minerals in all University land are hereby withdrawn from lease or sale until such time as the Legislature may enact legislation deemed adequate for the protection of the University available and permanent funds; and the Commissioner of the General Land Office shall not, in the event such sales Act is declared unconstitutional, thereafter issue any oil and gas permits on said land upon any application heretofore or hereafter filed, until further legislation as to same.

Sec. 2. The manifest importance of this legislation and the crowded condition of the calendar, creates an emergency and an imperative public necessity exists that the constitutional rule requiring bills to be read on three separate days in each House be suspended and that this be placed upon its third reading and final passage and take effect from and after passage, and it is so enacted.

Committee Room,
Austin, Texas, March 8, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 32, A joint resolution "Proposing an amendment to the State Constitution providing that any bill, resolution, measure or business introduced or initiated at a biennial session of the Legislature shall remain pending business during any session prior to the convening of the next biennial session thereafter, unless the Governor eliminates the same or a portion thereof in his proclamation convening a special session."

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

STUART, Chairman.

Committee Room,
Austin, Texas, March 8, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

H. J. R. No. 16, A joint resolution "Proposing an amendment to the Constitution of the State of Texas providing for the election by the qualified voters of the State of Texas a secretary of State and prescribing the duties of the Secretary of State and providing for a salary for the Secretary of State."

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

STUART, Chairman.

Committee Room,
Austin, Texas, March 8, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 20, A joint resolution "Proposing an amendment to the State Constitution providing that the former owner of land or lots sold for taxes may redeem the same by paying within one year after such sale, the taxes and accrued interest, penalties and court costs together with

an additional penalty of ten per cent of the amount said land brought at said sale, or by paying within two years after such sale the taxes and accrued interest, penalties and court costs together with an additional penalty of twenty per cent of the amount said land brought at said sale."

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

STUART, Chairman.

Committee Room,
Austin, Texas, March 8, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 21, A joint resolution "Proposing an amendment to Article 16 of the Constitution of the State of Texas by inserting a section to be known as Section 30-b of said article, authorizing the terms of office of members of boards of education and all other municipal boards and commissions in cities and towns of whatever population, and of all school trustees to extend for any period of time not to exceed six years, and for the terms of the various members of such boards to be over-lapping; and providing for the submission of such amendment for ratification or rejection at the next general election; and making an appropriation to defray the expenses of said election."

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

STUART, Chairman.

Committee Room,
Austin, Texas, March 8, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

H. J. R. No. 26, A joint resolution "Proposing an amendment to the Constitution of the State of Texas, making available for the public highways all gasoline occupation taxes and making available for the public free schools all occupation taxes based on production of oil and petroleum, and other minerals."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that committee substitute do pass in lieu thereof, and be not printed.

STUART, Chairman.

Committee Substitute for H. J. R. No. 26.

A JOINT RESOLUTION

Proposing an amendment to the Constitution of the State of Texas, making available for the public highways all gasoline occupation taxes.

Be it Resolved by the Legislature of the State of Texas:

Section 1. That Article 7 of the Constitution of the State of Texas be amended by adding thereto Section 3b, which shall read as follows:

"Sec. 3b. No part of any occupation tax based on traffic in or handling or sales of gasoline now levied or which may be levied hereafter shall be set apart for the benefit of the public free schools, but all of such occupation tax shall be and is hereby set apart to establish and improve the public highways."

Sec. 2. The foregoing proposed constitutional amendment shall be submitted to a vote of the qualified electors of this State at an election to be held on the 9th day of July, A. D. 1927, at which all ballots shall have printed thereon "for the constitutional amendment making available for the public highways all gasoline occupation taxes," and "against the constitutional amendment making available for the public highways all gasoline occupation taxes." Each voter shall scratch out the one of said clauses or propositions on the ballot, leaving the one expressing his vote on the same.

Sec. 3. The Governor shall issue the necessary proclamation for said election and have the same published as required by the Constitution and Laws of this State. The expense of publication and election for such amendment shall be paid out of proper appropriations made by law, and in the event no specific appropriation shall be made, same shall be paid out of the appropriation for public printing.

Committee Room,

Austin, Texas, March 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

H. J. R. No. 15, A joint resolution "Proposing an amendment to Section 51, Article 3, of the Constitution of the State of Texas, authorizing a tax levy for Confederate Soldiers and Sailors and their widows, and providing for submission of same to the qualified electors of this State at any election to be held on the first Tuesday after the first Monday in November, A. D. 1928, and providing the necessary proclamation and appropriation to defray expenses of proclamation, publication and election."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

STUART, Chairman.

Committee Room,

Austin, Texas, March 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 386, A bill to be entitled "An Act to amend Article 3888 of the Revised Civil Statutes of Texas for 1925 so as to make provision for the funds out of which the salary of county judges acting as ex-officio superintendents would be paid; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and that it be printed in the Journal and not otherwise.

WIRTZ, Chairman.

By Boggs

H. B. No. 386

A BILL

To Be Entitled

An Act to amend Article 3888 of the Revised Civil Statutes of Texas, for 1925, so as to make provision for the funds out of which the salary of county judges acting as exofficio superintendent would be paid; and declaring an emergency. Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 3888 of

the Revised Civil Statutes of Texas for 1925, be amended so that the same shall hereafter read as follows:

"Article 3888. In a county where the county judge acts as superintendent of public instruction, he shall receive for such services such salary not to exceed nine hundred dollars a year as the commissioners' court may provide, and said salary shall be paid from the available school fund of the county in the same manner as for payment of the salary of county superintendents as provided by Article 2700."

Sec. 2. The importance of this measure creates an emergency and an imperative public necessity demanding the suspension of the constitutional rule requiring all bills to be read on three several days in each House, and that this Act shall take effect from and after its passage, and said rule is hereby suspended, and it is so enacted.

Committee Room,

Austin, Texas, March 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

H. J. R. No. 27, A joint resolution "Proposing an amendment to Section 10, Article 8, of the Constitution of Texas, placing limitations on the power of the Legislature to remit taxes."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do not pass.

STUART, Chairman.

Committee Room,

Austin, Texas, March 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

H. J. R. No. 20, A joint resolution "Proposing an amendment to Section 2, Article 8, of the Constitution of the State, so as to authorize the Legislature to exempt from taxation any property owned by a church or by a strictly religious society for the exclusive use as a dwelling place for the ministry of such church or religious society, and which yields no revenue whatever to such church

or religious society, providing for an election upon such proposed constitutional amendment, and making an appropriation therefor."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass with the committee amendments and be not printed.

STUART, Chairman.

Amendment No. 1.

Amend the caption of H. J. R. No. 20, by adding, after the word "society" in line 6, the following: "and property used exclusively and reasonably necessary in conducting any association engaged in promoting the religious, educational and physical development of boys, girls, young men or young women operating under a State or National organization of like character."

Amendment No. 2.

Amend H. J. R. No. 20, by adding, after the word "schools" in line 25, the following: "and property used exclusively and reasonably necessary in conducting any association engaged in promoting the religious, educational and physical development of boys, girls, young men or young women operating under a State or National organization of like character."

Committee Room,

Austin, Texas, March 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Military Affairs, to whom was referred H. B. No. 551, A bill to be entitled "An Act to create the office of State Service Officer, to be attached to the Adjutant General's Department of the State of Texas; providing for his appointment; prescribing his qualifications and duties; fixing his salary; making appropriation for such together with traveling and incidental expenses, for the fiscal year ending August 31, 1927; providing all matters and things incidental to the main purpose of this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed, S. B. No. 389 be-

ing the same bill, having been printed.

McFARLANE, Chairman.

Committee Room,
Austin, Texas, March 9, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 469, A bill to be entitled "An Act to fix the salary of the superintendents of public instruction of each county in Texas having a population of not less than 60,000 nor more than 73,000, according to the last Federal census; providing for office expenses; repealing all laws or parts of laws in conflict, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

WITT, Chairman.

Committee Room,
Austin, Texas, March 9, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 466, A bill to be entitled "An Act to amend Article 1350, of Title 17, Chapter 3 of the Revised Criminal Statutes of the State of Texas of 1925, providing penalties for persons wilfully and maliciously destroying personal property."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

By Greer

S. B. No. 466

A BILL

To Be Entitled

An Act to amend Article 1350, of Title 17, Chapter 3, of the Revised Criminal Statutes of the State of Texas of 1925, providing penalties for persons wilfully and maliciously destroying personal property, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas.

Section 1. That Article 1350 of Title 17, Chapter 3 of the Revised Criminal Statutes of the State of Texas of 1925, be so amended as to hereafter read as follows:

"If any person shall wilfully and mischievously injure or destroy any growing fruit, corn, grain or other like agricultural product, or if any person shall wilfully or mischievously injure or destroy any real or personal property of any description whatever in such manner as that the injury does not come within any of the offenses otherwise provided for by this Code; or if any person who is in charge or possession of any real property of another shall wilfully, without consent of the owner, tear down, injure or destroy any house, building, edifice or material located thereon; he shall be fined not exceeding one thousand dollars; provided that when the value of the property injured is fifty dollars or less, then he shall be fined not exceeding two hundred dollars.

Sec. 2. The fact that there is now no criminal law providing a penalty for any person who is in possession or control of real estate from damaging or destroying certain property located on the lands of another, without the consent of the owner thereof, or material and buildings located on such land creates an emergency and an imperative public necessity demanding the suspension of the constitutional rule requiring bills to be read on three several days in each House be suspended and that the same is now heretofore suspended.

Committee Room,
Austin, Texas, March 9, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 227, A bill to be entitled "An Act to repeal all of Article 5131 of the Revised Civil Statutes of Texas and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed in bill form, but be printed in the Journal.

BAILEY, Chairman.

By Nabors, Holder H. B. No. 227

A BILL

To Be Entitled

An Act to repeal all of Article 5131 of the Revised Civil Statutes of Texas, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 5231 of the Revised Civil Statutes of Texas for 1925 be and same is hereby in all respects repealed.

Sec. 2. The fact that it is impracticable to commit Negro juveniles to the Ferguson State Farm, creates an emergency and an imperative public necessity demanding the suspension of the constitutional rule requiring all bills to be read on three several days in each House, and that this Act shall take effect from and after its passage, and said rule is hereby suspended, and it is so enacted.

Committee Room,

Austin, Texas, March 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 387, A bill to be entitled "An Act to amend Section 2, Article 6479, Chapter 11, Title No. 112 of the 1925 Revised Civil Statutes of Texas, relating to operation of passenger trains on railroads in Texas."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and that the same be printed in the Journal and not otherwise.

WIRTZ, Chairman.

By Denman

H. B. No. 387

A BILL

To Be Entitled

An Act to amend Section 2, Article 6479, Chapter 11, Title No. 112, of the 1925 Revised Civil Statutes of Texas, relating to operation of passenger trains on railroads in Texas. Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 2 of Article 6479, Chapter 11, Title 12, of the 1925 Revised Civil Statutes of the State of Texas, be amended so as to hereafter read as follows:

"Sec. 2. It shall be the duty of the Commissioners to see that, upon every railroad branch of same, carrying passengers for hire in this State, shall be run at least one train a day, Sundays excepted, upon which passengers shall be hauled, and the Commissioners shall have no power to relax this provision; provided, however, the Commission may, in

its discretion, relax such requirement as to any railroad in this State less than fifty miles in length and the gross annual passenger revenues of which are less than \$3600.00; and said Commission shall further regulate passenger train service to stop for a time sufficient to receive and let off passengers at such stations as may be designated by the Commissioner; provided that four trains each way, carrying passengers for hire, if so many are run daily, Sundays excepted, be required to stop as aforesaid at all county seat stations; and if such railroad or branch of same shall operate a gasoline or electric motor car over its line carrying passengers for hire in this State, such motor car shall be deemed a train within the meaning of this article and shall be subject to and included within the requirements that at least be run every day, Sundays excepted, and the requirement made by the Commission as to stopping for a time sufficient to receive and let off passengers at designated stations."

Committee Room,

Austin, Texas, March 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 437, A bill to be entitled "An Act to provide for the creation of public parks in counties having an assessed taxable valuation of one hundred and forty million dollars, or more, and providing for the issuance of bonds for the creation and maintenance of such parks and to purchase the requisite lands therefor, providing a tax of five cents on the \$100.00 property valuation to pay the interest on such bonds and to create a sinking fund therefor and further providing that such tax of five cents shall be in addition to all other taxes allowed to such counties by law and providing for the creation of an advisory park board under the direction of the commissioners' court of each county and repealing Article 6078 of the Revised Civil Statutes of 1925, and all other laws in conflict therewith in so far as same apply to counties having an assessed property valuation of one hundred and forty million dollars or more, and declaring an emergency."

Have had the same under consideration, and I am instructed to re-

port same back to the Senate with the recommendation that it do pass and that it be printed in the Journal and not otherwise.

WIRTZ, Chairman.

By Duvall

H. B. No. 437

A BILL
To Be Entitled

An Act to provide for the creation of public parks in counties having an assessed taxable valuation of one hundred and forty million dollars or more and providing for the issuance of bonds for the creation and maintenance of such parks and to purchase the requisite lands therefor, providing a tax of five cents on the \$100.00 property valuation to pay the interest on such bonds and to create a sinking fund therefor and further providing that such tax of five cents shall be in addition to all other taxes allowed to such counties by law and providing for the creation of an advisory park board under the direction of the commissioners' court of each county and repealing Article 6078 of the Revised Civil statutes of 1925 and all other laws in conflict therewith in so far as same apply to counties having an assessed property valuation of one hundred and forty million dollars or more, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That the commissioners' court of any county in the State of Texas where the assessed property valuation amounts to one hundred and forty million dollars or more be and it is hereby given the power and authority, where it is deemed expedient to do so, to purchase lands in such counties for the purposes of creating and maintaining a system of public parks, parkways and boulevards and to that end such court shall be and is hereby authorized to issue bonds of such county with maturities to be fixed by such court to run to an ultimate maturity not to exceed thirty years from date of issuance and to bear rate of of interest not to exceed five per cent per annum, payable annually or semi-annually as the court may direct in an amount that would be sustained by a levy of tax not to exceed a levy of five cents on the \$100.00 property valuation in such county.

Sec. 2. None of the foregoing bonds shall be created or issued until the same shall have been submitted to a vote of the tax paying qualified voters of such county at an election to be held for that purpose which election shall be called and held and the proposition submitted to a vote of the taxpaying qualified voters of such county at an election to be held for that purpose which election shall be called and held and the proposition submitted to such voters in the way and manner now prescribed by law in majority vote for bond elections in such counties for the creation and maintenance of roads, highways and turnpikes.

Provided further that no such bonds shall be issued unless provision is made at the same time for the payment of the interest thereon and the creation of a sinking fund of not less than two per cent per annum as required by the Constitution of the State of Texas in the matter of other debts created by a county.

Provided further that the tax of five cents herein authorized shall be in addition to all other taxes now allowed and permitted by law to counties within the State.

Provided further that such bonds shall not be sold for less than par and accrued interest and that the proceeds from the sale of such bonds shall not be used or devoted to any other purpose except for the creation of such parks and the maintenance thereof.

Provided further that no bonds shall be issued unless at the election that is called for such purpose a majority of the tax paying qualified voters who participate therein vote in favor of such issue and unless such vote is recorded no bonds for such purpose shall be issued by such county and no other election therefor shall be held for a period of less than two years after such proposition shall have been rejected.

The manner of ascertaining the vote and declaring the result shall be the same as is now prescribed by law as in other cases of bond elections in such counties.

Sec. 3. The commissioners' court of each of the counties embraced under the provisions of this Act shall be permitted to create a park board composed of not more than twelve and not less than six members who shall be qualified taxpaying voters

and free holders in the county who shall serve for a period of two years from and after the 1st of January of each year, provided, however, that those first appointed under this Act shall serve, unless removed by the commissioners' court, until January 1, 1929. Provided further that the term of service shall be so arranged that one half of the membership of the board shall alternate with the other half; that is to say, the term of office of one half of the members shall terminate when first appointed under this Act on the 1st day of January, 1928, and the other half of the members of the board shall be chosen each alternate year.

Sec. 4. The commissioners' court shall make such appointment on the first day of January each year so that one half of the members shall be appointed each year to the board, provided, however, that the selection of the board membership shall be made just as soon as this Act shall become effective, but thereafter such selection shall be made on the 1st day of January of each calendar year.

Sec. 5. The park board contemplated in this Act shall have control and supervision of the parks and shall nominate to the commissioners' court the employees of such parks and shall generally have control and direction of the park system and shall have the management of same and shall see to the purchase of land for same, provided, however, in all such matters and all powers sought to be exercised hereunder by the park board same shall be exercised subject to the control and approval of the commissioners' court.

And provided further that all purchases that may be made by such park board shall not be effective until otherwise complied with the law with respect to the purchase of supplies and materials for counties wherein an auditor holds office.

Such park board immediately on its appointment shall organize with a chairman, secretary and appropriate committees and it shall keep a record of all its proceedings and make full report of its meetings and acts from time to time as such commissioners' court may prescribe. Such park board shall fix the salary and wages of the employees of the park system subject at all times however

to the approval and direction of the commissioners' court.

Sec. 6. Article 6078, relating to county parks of the Revised Civil Statutes of 1925 and all laws in conflict herewith be, and the same are, hereby expressly repealed in so far as same apply to counties having an assessed taxable valuation of property of one hundred and forty million dollars or more, but with regard to all other counties said statute shall still apply and is unrepealed.

Sec. 7. Because of the lack of an adequate body of statutes on the subject of county parks and the inability of counties at the present time to provide for such system, the rule requiring bills to be read on three several days be, and the same is, hereby suspended and an emergency is declared to exist by reason thereof, and this Act shall be and is hereby made effective from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 9, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 470, A bill to be entitled "An Act amending Article 2686 of the Revised Civil Statutes of Texas by providing that appeals from the decision of the county superintendent of public instruction shall be to the county board of school trustees, and from the county board of school trustees to the court having proper jurisdiction of the subject matter, or in the alternative to the State Superintendent of Public Instruction as now provided by law, providing the time of election of which course of appeal is to be pursued, and providing that matters pending when the law takes effect shall not be affected thereby."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed, but be printed in the Journal.

BAILEY, Chairman.

By Loftin

H. B. No. 470

A BILL

To Be Entitled

An Act amending Article 2686 of the Revised Civil Statutes of Texas by

providing that appeals from the decision of the county superintendent of public instruction shall be to the county board of school trustees, and from the county board of school trustees to the court having proper jurisdiction of the subject matter, or in the alternative to the State Superintendent of Public Instruction as now provided by law; providing the time of election of which course of appeal is to be pursued and providing that matters pending when the law takes effect shall not be affected thereby.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 2686 of the Revised Civil Statutes of Texas be and the same is hereby amended, so as hereafter to read as follows:

"Article 2686. All appeals from the decision of the county superintendent of Public Instruction shall lie to the county board of school trustees, and should either party decide to further appeal such matters, they are here given the right to elect to appeal to any court having proper jurisdiction of the subject matter; or to the State Superintendent of Public Instruction as now provided by law, provided the election of which course of appeal the party or parties desire to pursue, shall be given within five days from the final decision of said county board of school trustees, provided this Act shall not apply to any controversy now pending or to any orders of school authorities made more than five days before this Act becomes effective.

All laws and parts of laws in conflict herewith are hereby repealed.

(Majority Report.)

Committee Room,

Austin, Texas, March 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Committee on State Affairs, to whom was referred

H. B. No. 609, A bill to be entitled "An Act to authorize the State Highway Commission to employ a chief auditor of accounts and expenditures, three engineer accountants or inspectors, and two equipment inspectors, fix their compensation and pay for same out of the State Highway Fund."

Have had the same under consid-

eration, and I am instructed to report same back to the Senate with the recommendation that it do pass and that it be printed in the Journal and not otherwise.

WIRTZ, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, March 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on State Affairs, to whom was referred

H. B. No. 609, A bill to be entitled "An Act to authorize the State Highway Commission to employ a chief auditor of accounts and expenditures, three engineer accountants or inspectors, and two equipment inspectors, fix their compensation and pay for the same out of the State Highway Fund."

Beg leave to differ with the majority of your committee, and report same back to the Senate with the recommendation that it do not pass.

MILLER,

PARR.

By Williamson H. B. No. 609

A BILL

To Be Entitled

An Act to authorize the State Highway Commission to employ a chief auditor of accounts and expenditures, three engineer accountants or inspectors, and two equipment inspectors, fix their compensation and pay the same out of the State Highway Fund.

Be it enacted by the Legislature of the State of Texas:

Section 1. The Highway Commission is hereby authorized and empowered to employ a chief auditor of accounts and expenditures, three engineer accountants or inspectors, and two equipment inspectors, fix their compensation and pay the same out of the State Highway Fund.

Sec. 2. The authority herein granted and employments made thereunder shall expire upon the taking effect of the general appropriation bill for the fiscal years of 1928 and 1929 making provision for the operation of the Highway Department.

Sec. 3. The importance of this Act and the fact that there is now no adequate system of accounts in operation in the Highway Department, no chief auditor of accounts

or expenditures, that no engineering accountants or inspectors or equipment inspectors are provided for, that the reports of the division engineers and other subordinates are not inspected or checked and the work is not inspected as it proceeds, and the fact that equipment belonging to the State is widely scattered and unaccounted for and no adequate record thereof made, creates an emergency and an imperative necessity demanding the suspending of the constitutional rule requiring all bills to be read on three several days in each House and that this Act shall take effect from and after its passage and said rule is suspended and it is so enacted.

Committee Room,

Austin, Texas, March 9, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred S. B. No. 478, A bill to be entitled "An Act making provision for a district attorney in the Ninetieth Judicial District of Texas and as assistant district attorney in said district; providing that such district attorney shall receive such salary as now or hereafter provided by law for district attorneys in districts containing two or more counties; enacting the necessary provisions in reference to an assistant district attorney for said district and his compensation; making provision for all other things necessary and incidental to the main purpose of this Act; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PRICE, Chairman.

Committee Room,

Austin, Texas, March 9, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 569, A bill to be entitled "An Act relating to the State Prison System; providing appropriations to pay the outstanding debts of the Prison System which are now due or which may mature prior to the first day of September, A. D., 1927; making appropriations for support and maintenance of the Prison Sys-

tem until the first day of September, A. D. 1927; providing how said moneys shall be paid and become available; enacting provisions relative to moneys now on hand by the Prison System; providing that hereafter all moneys received by the Prison System shall be placed in the State Treasury to the credit of the general revenue fund and no moneys shall be paid out except upon sworn accounts and on warrants drawn by the Comptroller as provided for by general laws of this State in reference to other departments of the State Government, and pursuant to appropriations made by the Legislature; providing all things necessary to carry out the main purpose of this Act; and declaring an emergency."

Have had same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, March 9, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 498, A bill to be entitled "An Act repealing Chapter 9, of the Local and Special Laws of the State of Texas, passed by the Thirty-seventh Legislature at its Regular Session in 1921, relating to the road system of Coryell County."

Have had same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

FLOYD, Chairman.

Committee Room,

Austin, Texas, March 9, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 614, A bill to be entitled "An Act to create a special and more efficient road system for Jasper County, in the State of Texas, and making county commissioners ex-officio road commissioners and prescribing their powers and duties as such, and providing for their compensation as such road commission-

ers; providing for the working of county convicts upon the public roads, bridges and streets; providing for the amount of credit he shall receive for such work and providing for commutation of sentence of faithful service and providing for the hiring of county convicts to individuals of the county for either public or private employment; defining the powers and duties of road overseers and placing them directly under the jurisdiction and control of said road commissioners; providing a penalty for the obstruction of drainways or ditches on public roads; providing that said county may assist in financing for improvement and maintenance of streets in cities and incorporated towns in the county and making this Act cumulative of the General Laws now in force and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

FLOYD, Chairman.

Committee Room,

Austin, Texas, March 9, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom referred

H. B. No. 636, A bill to be entitled "An Act to create Road District Number Seven (7), in Shelby County, Texas, validating and approving all orders made by the commissioners' court of said county in respect to the organization of said district; validating the authorization, issuance and sale of certain bonds thereof, dated February 9, 1920, and numbered forty-six to one hundred (46 to 100), inclusive, totaling twenty-seven thousand five hundred (\$27,500.00) dollars, of five hundred dollars each, providing for their payment by the annual levy and assessment of general ad valorem taxes on all taxable property in said road district; approving and validating all orders of the commissioners' court of said county in respect of said designated road district bonds and taxes, or certified copies thereof and constituting such orders legal evidence; evidencing, proof of publication of constitutional notice required in such Acts, and declaring an emergency"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

FLOYD, Chairman.

Committee Room,

Austin, Texas, March 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 228, A bill to be entitled "An Act to amend Article 5125 of the Revised Civil Statutes of Texas, for 1925, so that all male persons, regardless of color, under the age of seventeen (17) years, who shall be lawfully committed to the State Juvenile Training School as a delinquent child, shall be received as inmates of said training school; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WIRTZ, Chairman.

THIRTY-EIGHTH DAY.

Senate Chamber,

Austin, Texas,

Thursday March 10, 1927.

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Moore.	Wood.
Neal.	Woodward.

Absent.

Miller.